



08-CV-01031-PET

FILED
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JUL 07 2008 RE

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

C08-1031JLR

Summons Issued
Mohammad MANSHA, Hussain AL
GAZAWI, Mamadou Malick DIALLO,
Yaya SANYANG, Roger Antonio
MARTINEZ GOMEZ, Dilpreet Singh
SETHI

PETITIONERS/PLAINTIFFS,

v.

MICHAEL CHERTOFF, Secretary,
Department of Homeland Security, and
JULIA HARRISON Seattle Field Office
Director, U.S. Citizenship and Immigration
Services (USCIS).

RESPONDENTS/DEFENDANTS.

COMES NOW Petitioner, Mohammad Mansha #A75 469 482, by and through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial of April 29, 2008. (Exhibit A). Mr. Mansha had previously sought this Court's intervention on this same naturalization application pursuant to 8 U.S.C. § 1447(b) in *Mansha v. Keisler*, C07-1765JLR (Stipulation and Order of Remand and Dismissal Signed 12/6/2007).

COMES NOW Petitioner, Hussain AL GAZAWI, #A71 732 661, by and

PETITIONS FOR REVIEW OF FINAL
NATURALIZATION DENIALS
Page 1 of 5

LAW OFFICES OF BART KLEIN
605 1st Avenue South, Suite 500
Seattle, WA 98104
Phone: (206) 624-3787/624-6371(fax)
bart.klein@bartklein.com

through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial. Mr. Al Gazawi had previously sought this Court's intervention on this same naturalization application pursuant to 8 U.S.C. § 1447(b) in *Al GAZAWI v. Gonzales, C06-1696RSM* (Order of Remand ordering Defendants to make a final naturalization determination by November 17, 2007). Though the administrative N-336 appeal hearing was finally held on June 9, 2008, the USCIS Hearing Officer has yet to make this US District Court ordered final determination, and thus it can be presumed to be denied. (Exhibit B).

COMES NOW Petitioner, Mamadou Malick DIALLO #A75 240 321, by and through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial. The administrative N-336 appeal hearing was held on June 9, 2008, and the USCIS Hearing Officer indicated an oral final denial after five seconds of interviewing. (Exhibit C)

COMES NOW Petitioner, Yaya SANYANG #A72 370 362, by and through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial. The administrative N-336 appeal hearing was held on January 12, 2007, and the USCIS Hearing Officer has yet to issue a decision and thus presumed to be a final denial. (Exhibit D).

COMES NOW Petitioner, Roger Antonio MARTINEZ GOMEZ #A29 333 043, by and through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial. The administrative N-400 determination

interview was held on June 23, 2008 but USCIS Interviewing Officer indicated an oral denial though by automatic operation of 8 CFR 245.13(l), the N-400 naturalization application should have been approved, and therefore such action should be presumed a final denial.

(Exhibit E)

COMES NOW Petitioner, Dilpreet Singh SETHI #A70 692 736, by and through his counsel, seeks *de novo* judicial review (court making its own findings of fact and conclusions of law), pursuant to 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) of a final naturalization denial. The administrative N-400 determination interview was held on June 19, 2008 but USCIS Interviewing Officer indicated an oral denial though by 8 CFR regulation the N-400 naturalization application should have been approved, and therefore such action should be presumed a final denial. (Exhibit F)

Subject Matter Jurisdiction

1. Jurisdiction in this Court is also based upon Section 5 USC Chapter 7 pursuant to 8 CFR 336.9.706(1), 8 USC 1147(b), and 28 USC 1331 and 1361.

2. The judicial review enabling regulation 8 CFR 336.9(b) has an *ultra vires* requirement that the Petition for Review be filed within 120 days and these Petitions are being filed within such 120 days.

Venue

3. Venue lies in the Western District of Washington, the judicial district where petitioners reside.

Parties

4. Petitioners are and have been residents of Snohomish and King County, and are US Lawful Permanent Resident.

5. Mr. Michael Chertoff, Secretary, Department of Homeland Security, is responsible for the implementation of the immigration laws and it his delegation of authority

to administer the immigration laws to the U.S. Citizenship and Immigration Services (USCIS) that permits USCIS officials to act under color of authority of the United States.

6. Respondent, Julia Harrison, is the duly appointed Field Office Director of the Seattle, Washington office of the U.S. Citizenship and Immigration Services, and she is being sued in her official capacity. In this capacity Ms. Harrison has jurisdiction over naturalization benefits and petitioners' application

Facts

7. The USCIS fails to follow its own regulations, procedurally and on the merits, in denying these naturalization applications.

Exhaustion

8.. The Petitioner has exhausted administrative remedies and procedure .

Cause of Action

9. 8 U.S.C. § 1421(c); 8 C.F.R. §310(b) & 336.9(a)-(d) allows *de novo* judicial review (court making its own findings of fact and conclusions of law of a final naturalization denial.) of a final naturalization determination. In adjudication and processing of such naturalization applications, the Court can also invoke jurisdiction under 8 USC 1447(b) and 28 USC 1331 and 1361.

10. Petitioners have not previously applied for a petition for review.

Prayer for Relief

WHEREFORE, petitioner requests that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Determine Petitioners' applications for naturalization, or remand the matter, with appropriate instructions including a time schedule, to the respondents/defendants to determine the matter;
- (c) Award Petitioners reasonable costs and attorney's fees; and

(d) Grant such further relief as the Court deems just and proper.

Respectfully submitted this 7th day of July, 2008.

LAW OFFICES OF BART KLEIN
Bart Klein
Attorney for Petitioner, WSBA #10909

VERIFICATION

Bart Klein, the attorney for the Petitioners, under penalty of perjury, hereby verify that the statements made in the above Petition are true and correct to the best of his knowledge.

Dated this 7th day of July, 2008.

BART KLEIN

U.S. Department of Homeland Security
12500 Tukwila International Blvd.
Seattle, WA 98168



**U.S. Citizenship
and Immigration
Services**

Date: APR 29 2008

Mohammad Mansha
c/o Law Office of Bart Klein
605 First Ave Ste 500
Seattle, WA 98104

Refer to this file: LIN*000555646
Alien Number: A075 469 482

NOTICE OF ACTION

Dear Mr. Mansha,

Reference is made to the Form N-336 (Request for Hearing on a Decision Naturalization Proceedings Under Section 336 of the Immigration and Nationality Act, as amended, herein the Act) that you filed on January 8, 2008. The record shows that you filed this form in response to the denial of your application for naturalization.

You filed an Application for Naturalization on May 12, 2003. You were placed under oath to state the truth regarding your application before an officer of the Citizenship and Immigration Services on December 16, 2003. It was revealed that on February 23, 1986, you were issued an Order to Show Cause and placed in removal proceedings pursuant to Section 241(a)(2) of the Act in that you entered the United States without inspection. Although the Immigration Judge administratively closed your case on August 12, 1986, because of your failure to appear, removal proceedings were never terminated against you. Your Application for Naturalization was denied on November 15, 2006 because you are in removal proceedings, and the Service does not have jurisdiction over your case.

Section 318 of the Act states in part that "no person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act; and no application for naturalization shall be considered by the Attorney General if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act."

Title 8, Code of Federal Regulations part 318.1 states in part that "a notice to appear issued under 8 CFR part 239 shall be regarded as a warrant of arrest."

Title 8, United States Code, Section 1429 precludes an application for naturalization to be considered by the Service while removal proceedings are pending. See Bellajaro v. Schiltgen, F.3d, WL 1753322 (9th Cir. 2004).

The Service has considered your record and the fact that you are currently in removal proceedings. The Service does not have jurisdiction over your case, and the Immigration Judge must recalibrate your removal proceedings. The Service concludes that you have failed to establish that you are eligible for naturalization. Therefore, it is the decision of the Service that your appeal be dismissed without prejudice.

You must write a letter to the Immigration Court (Executive Office for Immigration Review, Office of the Immigration Judge, 26 Federal Plaza, 12th Floor, Room 1237, New York, NY 10278) to have your

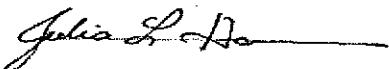
Exhibit A page 1 of 2

removal proceedings recalendared. You must also show the court that you have served a copy of the letter on the Immigration and Customs Enforcement Counsel's Office (Department of Homeland Security, P.O. Box 3507, New York, NY 10008-350). Once your removal proceedings have been terminated, you may file a Motion to Reopen your Application for Naturalization, or file a new application.

There is no appeal to this decision, however 8 CFR 336.9 provides procedures for requesting a judicial review of final determinations on applications for naturalization. 8 CFR 336.9(b) states in pertinent part:

Under these procedures an applicant shall file a petition for review in the United States District Court having jurisdiction over his or her place of residence, in accordance with chapter 7 of title 5, United States Code, within a period of not more than 120 days after the Service's final determination.

Sincerely,



Julia L. Harrison
Field Office Director

cc: Mohammad Mansha
14818 12th Ave NE
Shoreline, WA 98155

Exhibit A page 2 of 2

U.S. Department of Homeland Security
12500 Tukwila International Blvd
Seattle, WA 98168

428-750-5844

Page 2

11

3
C
G



U.S. Citizenship
and Immigration
Services

Office of the Seattle Field Office Director

April 23, 2008

Hussein Al Gazawi
C/O Bart Klein
605 First Ave, Suite 500
Seattle, WA 98104

Subject: Appeal of Decision to Deny Naturalization

Dear Mr. Al Gazawi;

You have appealed the decision of this Service to deny your application for Naturalization.

You are scheduled to appear as indicated below for a hearing to determine whether or not the decision to deny your application should be upheld:

**Location: 12500 TUKWILA INTERNATIONAL BLVD
Seattle, Washington 98168 (2nd Floor)**

Time: 1000 A.M.

Date: Monday, June 9, 2008

After clearing the security station please proceed to the Immigration officer at the reception counter. After the officer has completed the check in process please go to the second floor waiting room and be seated. An officer will contact you in the waiting room at the time of your appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia L. Harrison".

Julia L. Harrison
Field Office Director
US Citizenship and Immigration Services

cc: A71732661, Hussein Al Gazawi

Exhibit B page 1 of 3

OMB No. 1615-0050; Expires 09/30/08

Department of Homeland Security
U.S. Citizenship and Immigration ServicesN-336, Request for a Hearing on a
Decision in Naturalization Proceedings
(Under Section 336 of the INA)

For USCIS Only

Decision:	<input type="checkbox"/> Grant <input type="checkbox"/> Denial	Fee:
-----------	---	------

1. In the Matter of: (Name of Naturalization Applicant)	File Number:
AL GAZAWI Hussain	A-71 732 661

2. I am filing a request for hearing on the decision dated:
11/26/2007

3. Please check the one block that applies:

a. I am not submitting a separate brief, statement or evidence.

b. I am submitting a separate brief, statement and/or evidence with this form. *Page 1*

c. I need _____ days to submit a brief, statement and/or evidence to the USCIS. (May be granted only for good cause shown. Explain in a separate letter.)

4. Person filing request:

Name (Type or print in black ink.)

Bart Klein

Address (Street Number and Name) (Apt. Number)

605 First Ave., Ste. 500

(City)

(State)

(Zip Code)

Seattle**WA****98104**

Signature

Date (mm/dd/yyyy)

12/3/07

I am an attorney or representative and I represent the applicant requesting a hearing on a naturalization proceeding. [You must attach a Notice or Entry or Appearance (Form G-28) if you are an attorney or representative and did not previously submit such a form.]

(Person for whom you are appearing)

Hussain AL GAZAWI

5. Briefly state the reason(s) for this request for a hearing:
--

The decision is written to cast myself in a fraudulent manner. The trip with my brother happened in 2001 much later than the 2001 residence in Michigan. As every person in WA knows, you need to change your license within one month of residing in WA; therefore my license needed to be changed so I could live in Michigan and also go to truck driving school. There was no intent to defraud anyone, just comply with the driving and residence laws of the different States. My marriage was only religious, but to be valid it needed to be registered. See USDOS reciprocity document schedules for Iraq. I never registered the marriage, so I was marriage religiously (Shia Islamic) but not a valid governmental marriage since it was not registered. See also Applicant Statement attached as 1

Page 1

I, CHAFFEUR LICENSE IS A REGULAR DRIVERS LICENSE WITH A PERMIT FOR CDL, IT IS GOOD FOR ONE YEAR,
IF THE COMMERCIAL DRIVERS LICENSE HAS A HOLE PUNCHED IN IT BECAUSE I MOVED BACK TO SEATTLE AND I HAD TO CHANGE MY LICENSE.

THE REASON I CHANGED MY WASHINGTON STATE LICENSE IS BECAUSE THE OLD ONE EXPIRED SO I HAD TO RE-NEW IT, I LIVED IN MICHIGAN TEMPORARILY SO I COULD GO TO SCHOOL IN MICHIGAN.

I DID NOT NOTIFY MY WASH STATE DRIVERS LICENSE AS THEY PUNCHED A HOLE IN IT, THE FIRST ADDRESS IN PEARL BORN MICHIGAN WAS TEMPORARY, AND I MOVED AGAIN TO LIVE WITH A FRIEND, I DID NOT KNOW THAT I HAD TO NOTIFY USCS OF A CHANGE OF ADDRESS, I ASKED THE DEPT OF LICENSING IN MICHIGAN, ABOUT HAVING TO TAKE DRIVING SCHOOL IN MICHIGAN & THEY TOLD ME I HAVE TO CHANGE MY LICENSE IF I WANT TO GO TO SCHOOL THERE, & THEY ALSO NEEDED AN ADDRESS.

I WENT WITH MY BROTHER RABI AL-KAZAMI TO PENNSYLVANIA JUST FOR HIS HEARING, I WENT TO SCHOOL EVERYDAY & TOOK THE REQUIRED CLASSES, I TOOK & PASSED THE REQUIRED TESTING LEGALLY, I TOLD THE TRUTH ABOUT EVERYTHING & DID NOT LIE.

AS FOR MY MARRIAGE, IT WAS A RELIGIOUS MARRIAGE AFTER ISLAMIC, WITHOUT COURT PAPERS, I HAVE A LOT OF PEOPLE WHO CAN CERTIFY TO MY GOOD CHARACTER, & HARD WORKING NATURE, I TOLD THE TRUTH ABOUT EVERYTHING, MY TESTIMONY WAS NOT GIVEN TO BE FALSE AND MISLEADING, I ONLY WISH TO BE A CITIZEN OF THE UNITED STATES OF AMERICA BECAUSE I LOVE THIS COUNTRY

(S)
(C)

U.S. Department of Homeland Security
12500 Tukwila International Blvd
Seattle, WA 98168



**U.S. Citizenship
and Immigration
Services**

Office of the Seattle Field Office Director

April 23, 2008

Mamadou Malick Diallo
C/O Bart Klein
605 First Ave, Suite 500
Seattle, WA 98104

Subject: Appeal of Decision to Deny Naturalization

Dear Mr. Diallo;

You have appealed the decision of this Service to deny your application for Naturalization.

You are scheduled to appear as indicated below for a hearing to determine whether or not the decision to deny your application should be upheld:

**Location: 12500 TUKWILA INTERNATIONAL BLVD
Seattle, Washington 98168 (2nd Floor)**

Time: 1330 PM

Date: Monday, June 9, 2008

After clearing the security station please proceed to the Immigration officer at the reception counter. After the officer has completed the check in process please go to the second floor waiting room and be seated. An officer will contact you in the waiting room at the time of your appointment.

Sincerely,

A handwritten signature in black ink that appears to read "Julia L. Harrison".

Julia L. Harrison
Field Office Director
US Citizenship and Immigration Services

cc: A75246321, Mamadou Malick Diallo

Exhibit C page 1 of 4

Department of Homeland Security
U.S. Citizenship and Immigration Services

**N-336, Request for a Hearing on a
Decision in Naturalization Proceedings
(Under Section 336 of the INA)**

For USCIS Only

Decision: <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Denial	Fee:
--	------

1. In the Matter of: (Name of Naturalization Applicant)	File Number:
DIALLO Mamadou Malick	A-075 246 321

2. I am filing a request for hearing on the decision dated:

09/26/1997

3. Please check the one block that applies:

- a. I am not submitting a separate brief, statement or evidence.
- b. I am submitting a separate brief, statement and/or evidence with this form.
- c. I need _____ days to submit a brief, statement and/or evidence to the USCIS. (May be granted only for good cause shown. Explain in a separate letter.)

4. Person filing request:

Name (Type or print in black ink.)

Bart Klein

Address (Street Number and Name)	(Apt. Number)
----------------------------------	---------------

605 First Ave., Ste. 500

(City)	(State)	(Zip Code)
--------	---------	------------

<u>Seattle</u>	<u>WA</u>	<u>98104</u>
----------------	-----------	--------------

Signature

Date (mm/dd/yyyy)

01/11/2007

I am an attorney or representative and I represent the applicant requesting a hearing on a naturalization proceeding. [You must attach a Notice or Entry or Appearance (Form G-28) if you are an attorney or representative and did not previously submit such a form.]

(Person for whom you are appearing)

Mamadou M DIALLO

5. Briefly state the reason(s) for this request for a hearing:

Officer Buchanan has a separate standard for evaluating the English requirement, and is documented by the writing of applicant in the #A file...unfortunate that 71 year old aliens are targeted. Every other adjudicator in the Seattle CIS would have approved the writing and granted the N-400. But since the N-335 process is a rubber-stamp situation of the prior decision, counsel asks that this hearing not be scheduled at the end of the 6 months allowed by the regulation, so that counsel can get into Federal Court to litigate such English standards. Such Federal Judges would enjoy conversing with a trilingual elderly man during such naturalization trial.

Exhibit C page 2 of 4



U.S. Citizenship and Immigration Services

Direct all responses by mail to the office listed below:
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
12500 Tukwila International Blvd
Seattle WA 98168

Mamadou Malick Diallo
c/o LAW OFFICES OF BART KLEIN
605 1st Ave Suite 500
Seattle WA 98104

Refer to this file: LIN*000995972
Alien Number: A 075 246 321
Date: SEP 26 2007

DECISION

On July 9, 2007, you appeared for an examination of your application for naturalization, which was filed in accordance with Section 316(A) of the Immigration and Nationality Act.

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

See Attachment(s)

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, **you must file a request for a hearing within 30 Days of the date of this notice**. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director, with the Immigration and Naturalization office which made the decision, on Form N-336, **Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the Act, together with a fee of \$605**. A brief or other written statement in support of your request may be submitted with the Request for Hearing.

Sincerely,

Julia L Harrison
Field Office Director

Exhibit C page 3 of 4

Attachment(s) to Form N-335

Applicant: Mamadou Malick Diallo

Application for Naturalization, Form N-400

Alien Number: A075246321

Application ID: LIN*000995972

Your application is hereby denied in accordance with the Title 8 Code of Federal Regulations Section(s) listed below:

Reason: Unable to read, Speak, or Write English

CFR8 Reference: Part 312 Educational Requirements for Naturalization

Section 312.1 Literacy Requirements

(a) General. Except as otherwise provided in paragraph (b) of this section, no person shall be naturalized as a citizen of the United States upon her or her own application unless that person can demonstrate an understanding of the English language, including ability to read, write, and speak words in ordinary usage in the English language.

(b) Exceptions. The following persons need not demonstrate an ability to read, write, and speak words in ordinary usage in the English language:

(1) A person who, on the date of filing of his or her application for naturalization, is over 50 years of age and has been living in the United States for periods totaling at least 20 years subsequent to a lawful admission for permanent residence;

(2) A person who, on the date of filing his or her application for naturalization, is over 55 years of age and has been living in the United States for period totaling at least 15 years subsequent to a lawful admission for permanent residence;

Explanation:

Reference is made to your Application for Naturalization, Form N-400, which you filed on December 29, 2006, pursuant to Section 316(a) of the Immigration and Nationality Act, herein the Act.

On July 9, 2007, you were interviewed by an officer of the Citizenship and Immigration Services to determine your eligibility for naturalization. During your interview, you were given an examination to demonstrate your knowledge of the English language and United States history and government. You failed to demonstrate the ability to write English language. You appeared for a reexamination on September 10, 2007, and you were tested a second time. You failed to demonstrate the ability to write English language again.

You failed to meet the requirements of Section 312 of the Act. Therefore, your application must be, and hereby is, denied. This decision is made without prejudice toward the filing of a new application. However, eligibility must again be established.

Exhibit C page 4 of 4



U.S. Department of Homeland Security
Citizenship and Immigration Services
12500 Tukwila International Blvd.
Seattle, WA 98168

File No.: A72 370 362

Sanyang Ya Ya
c/o Bart Klein
605 First Ave., Suite 500
Seattle, WA 98104

Date: 2/1/2007

Officer: W. Franks

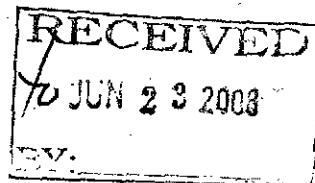
Examination of your application (N400) shows that additional information, documents or forms are needed before your application can be completed or adjudicated acted upon. Please **RETURN THIS LETTER WITH REQUESTED INFORMATION and/or DOCUMENTS** by : *April 2, 2007*

Failure to do so may result in the denial of your application.

During your initial interview for naturalization on October 2, 2006, it was revealed that you were previously placed in removal proceedings on September 27, 1995. During the removal proceeding process your proceedings were administratively closed, however removal proceedings were never terminated.

Please provide evidence that your previous removal proceedings have been terminated by the Immigration Court.

Please allow 30 more days
allow the Seattle IJ to
terminate the hearing. See



Form N-14

6/29/08

Please decide
Section 1447(b)
action

BART KLEIN, Attorney
605 First Ave., Suite 500
Seattle, WA 98104
(206) 624-3787
Fax (206) 624-6371

01/23/08 attached
formular

Exhibit D page 1 of 9

DEPARTMENT OF JUSTICE
IMMIGRATION COURT
1000 SECOND AVENUE, SUITE 2500
SEATTLE, WA 98104

In the Matter of

Case No. A 01/17/2008

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 01/17/2008. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion of the case.

The respondent was ordered removed from the United States to _____.

Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____.

Respondent's application for voluntary departure was granted until _____ to _____ upon posting a bond in the amount of \$ _____ with the alternate order of removal to _____.

Respondent's application for:

Asylum was granted denied withdrawn.

Withholding of removal was granted denied withdrawn.

A Waiver under Section _____ was granted denied withdrawn.

Cancellation of removal under section 240A(a) was granted denied withdrawn.

Respondent's application for:

Cancellation of removal under section 240A(b)(1) was granted denied withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

Cancellation of removal under section 240(b)(2) was granted denied withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

Respondent's application for adjustment of status under section _____ of the INA was granted denied withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.

Respondent's application for withholding of removal deferral of removal under Article III of the Convention Against Torture was granted denied withdrawn or other.

Respondent's status was rescinded under section 246.

Respondent is admitted to the United States as a _____ until _____.

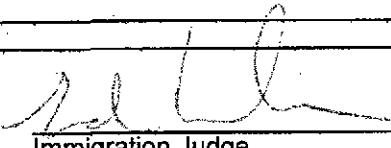
As a condition of admission, respondent is to post a \$ _____ bond.

Respondent knowingly filed a frivolous asylum application after proper notice.

Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

Proceedings were terminated.

Other: _____

Date: 01/17/2008
Immigration JudgeAppeal: WAIVED / RESERVED (A / I / B)

Appeal Due By:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)
 TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP DHS
 DATE: 01/17/2008 BY: COURT STAFF 
 Attachments: EOIR-33 EOIR-28 Legal Services List Other

JUDGE KANDLER

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Seattle WA

In the Matter of:) File Nos. A72 370 362
)
SANYANG, Yaya) RESPONDENT'S RENEWED
) MOTION TO TERMINATE
 Respondent.)
) MCH: January 8, 2008
) 1:090 pm

TO: Immigration Court
and TO: ICE/DHS District Counsel

MOTIONS

Come now the Respondent, Mr. Yaya Sanyang, and hereby moves the Court to terminate the proceedings in this matter

BASIS FOR MOTION

On July 24, 1996, the Court (Judge Gharty) administratively closed the proceedings herein. The proceedings were closed for the reason that there was no proof of service of the Order to Show Cause. The underlying charge against Mr. Sanyang was for having remained in the United States for longer than permitted.

RESPONDENT'S RENEWED MOTION TO TERMINATE,
APPEAR TELEPHONICALLY, AND ALTERNATIVE MOTION
FOR A CHANGE OF VENUE
Yaya SANYANG - File No. A72 370 362
Page - 1

Law Offices of Bart Klein
605 First Avenue, Suite 500
Seattle, WA 98104
(206)624-3787/624-6371 (fax)

Exhibit D, page 3 of 9

JUDGE KANDLER

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Seattle WA

In the Matter of:) File Nos. A72 370 362

SANYANG, Yaya) RESPONDENT'S RENEWED
) MOTION TO TERMINATE

Respondent.)
) MCH: January 8, 2008
)
) 1:090 pm

TO: Immigration Court
and TO: ICE/DHS District Counsel

MOTIONS

Come now the Respondent, Mr. Yaya Sanyang, and hereby moves the Court to terminate the proceedings in this matter

BASIS FOR MOTION

On July 24, 1996, the Court (Judge Gharty) administratively closed the proceedings herein. The proceedings were closed for the reason that there was no proof of service of the Order to Show Cause. The underlying charge against Mr. Sanyang was for having remained in the United States for longer than permitted.

RESPONDENT'S RENEWED MOTION TO TERMINATE,
APPEAR TELEPHONICALLY, AND ALTERNATIVE MOTION
FOR A CHANGE OF VENUE
Yaya SANYANG - File No. A72 370 362
Page - 1

Law Offices of Bart Klein
605 First Avenue, Suite 500
Seattle, WA 98104
(206)624-3787/624-6371 (fax)

Exhibit B, page 4 of 9

See INA §§ 101(a)(15), 241(a)(1)(b).

We respectfully submit that the Court should terminate the proceedings. In particular, the BIA has held that where notice was improper, the Immigration Judge should terminate proceedings rather than administratively close a case, unless both parties have agreed to administrative closure. Matter of Lopez-Barrios, 20 I&N Dec. 203 (BIA 1990).

On May 21, 2001, subsequent to the administrative closure, Mr. Sanyang adjusted his status to that of a lawful permanent resident of the United States based upon his marriage with his U.S. Citizen wife, and the agency was aware that he had previously been placed in removal (deportation) proceedings and that those proceedings had been administratively closed. Then, Mr. Sanyang later filed a timely Form N-400 Application for Naturalization with USCIS in Seattle, Washington.

On October 10, 2006 the USCIS Seattle District Office determined that it could not process the N-400 Application for Naturalization although the deportation/removal proceedings had been administratively closed. The USCIS has requested that Mr. Sanyang move to have the deportation/removal proceedings recalendared in order to allow him to have the proceedings formally terminated, at

RESPONDENT'S RENEWED MOTION TO TERMINATE,
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Law Offices of Bart Klein
605 First Avenue, Suite 500
Seattle, WA 98104
(206)624-3787/624-6371 (fax)

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which time the USCIS has indicated that it will review again the matter of his Form N-400 Application for Naturalization, either upon a Motion to Reopen or upon filing a new application. See attached Exhibit 1, Form N-335 and Attachment. (Please note that Form N-335 Attachment incorrectly indicates that the request for recalendaring should be addressed to the Immigration Court in Seattle, but this is a mistake in the preprinted language used on the form as the Immigration Court in New York has jurisdiction as the last Immigration Court taking action in this matter). The Respondent has subsequently been scheduled for a Form N-336 Hearing (agency hearing within the USCIS/DHS) on a Decision in Naturalization Proceedings for today, February 1, 2007.

Previously, Respondent served and filed a Motion to Recalendar and Terminate Proceedings. On October 26, 2006, the Court issued an order setting a Master Calendar Hearing for February 14, 2007 at 9:00 A.M. Subsequent to the filing of the Motion to Recalendar and Terminate Proceedings, Counsel discovered Matter of Lopez-Barrios, 20 I&N Dec. 203 (BIA 1990), and apologizes for not having brought it to the attention of the Court and ICE/DHS Counsel previously.

As stated above, the Respondent disclosed, and the Service knew, that the Respondent had previously been in removal (deportation) proceedings and that

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those proceedings had been administratively closed, but proceeded to grant him LPR status.

Under Matter of Lopez-Barrios and the facts of the case, Counsel respectfully requests that in the interests of judicial and agency economy, that the Court terminate the removal (deportation) proceedings at this time so that Mr. Sanyang can proceed to have the USCIS consider his qualifications for naturalization directly.

ICE reasons for opposition are absurd. The #A file is in Seattle CIS. Exactly what is difficult in getting the file from Seattle CIS. The asylum office is moving from the 1000 2nd Ave. building today to the CIS building in Tukwila. Perhaps ICE Chief Counsel should also move to ICE Tukwila. There is 1000s of square feet of space, and then the files would right in the same building. This lawyer has difficulty in finding his own files, and perhaps ICE should admit the same.

Exactly, what is difficult with this case. What kind of good cause does this Judge expect: that respondent know the difference between administratively closed and termination....something that 90% of the immigration attorneys have no understanding. This case is a waste of time for ICE, IJ, and this counsel. The applicant is an LPR in the last stages of Naturalization. Exactly what is difficult for

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ICE to understand...what is applicant's status...obviously as all the records checks show an LPR.

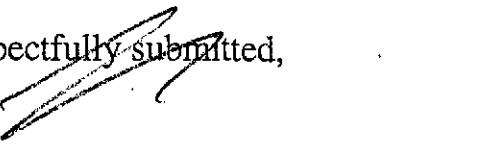
Please deny, so counsel can file his 140th case in Federal District Court since January 2006.

CONCLUSION

For the foregoing reasons, the Respondent respectfully requests the Court terminate the removal (deportation) proceedings in this matter.

Dated this 4th day of May, 2007.

Respectfully submitted,


BART KLEIN
Attorney for Respondent

I do not know the difference between administratively closed and termination, and though Mr. Klein has explained such difference, what exactly does have to do with my grant of LPR status. The USCIS knew situation when they granted my LPR status. My attorney explained to me that there are NACARA regulations that give CIS the right to grant LPR even with administratively closed cases.


Yaya SANYANG

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INDEX TO EXHIBITS

Exhibit No.	Pages
1. Form N-335 and Attachments – Decision on N-400 Application for Naturalization dated October 10, 2006, Seattle, WA	1
2. Agency Hearing Notice on Denial of Application for Naturalization	5

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Respondent's Renewed Motion to Terminate Proceedings, this ____ day of May 2007, by personal service to:

USDHS/ICE Office of the Counsel
#2900, 1000 2nd Ave,
Seattle, WA 98104

Law Offices of Bart Klein

RESPONDENT'S RENEWED MOTION TO TERMINATE,
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Seattle, WA 98104
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**U.S. Citizenship
and Immigration
Services**

Direct all responses by mail to the office listed below:
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
12500 Tukwila International Blvd
Seattle WA 98168

Roger Antonio Martinez Gomez
11626 SE 225th Street
Kent WA 98031

Refer to this file: LIN*001131937
Alien Number: A 029 333 043
Date: June 23, 2008
Officer: EX 032

RPE

CONTINUANCE

Examination of your N400 application shows that additional information, documents or forms are needed before your application can be acted upon. Please return this letter with the requested information and/or documents by July 23, 2008.

Failure to do so may result in the denial of your application.

Submission of this information, however, does not guarantee that this case will be approved. We strongly recommend that you submit all the requested information, documents, or forms as listed on the following pages as soon as possible so that we can resume processing. Any interim benefits that may otherwise stem from the filing of this application or petition will be delayed while this case is in suspense awaiting your response.

If you choose to submit only some or none of the requested information, then the application will be adjudicated on its merits. You may also request, in writing, to the Service that this application be withdrawn. If the district director consents to the withdrawal, the application will be denied without further notice to you and without prejudice to any future application. The withdrawal will constitute a waiver of any review pursuant to Section 336 of the Title 8 Code of Federal Regulations. If the district director does not consent to the withdrawal, then the application shall be adjudicated on its merits.

Requested Information, Documents, and/or Forms

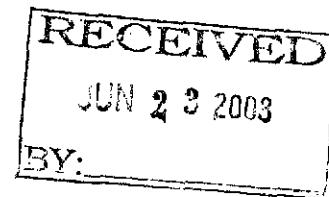
Applicant: Roger Antonio Martinez Gomez
Application for Naturalization, Form N-400
Alien Number: A029333043
Application ID: LIN*001131937

Please submit the following information, documents, or forms:

Reason: Missing Evidence

Record shows that you were placed in deportation proceedings at the Immigration Court in Miami, Florida. On August 27, 1991, the court ordered your case to be administratively closed. On September 5, 2002, you adjusted status becoming a lawful permanent resident. However, at time of adjustment of status you were still under court's jurisdiction. On July 25, 2007, you filed for Form N-400, Application for Naturalization. Because you are still in deportation proceedings, jurisdiction still remains with the court.

Please provide proof that the Immigration Court in Miami, Florida has terminated proceedings against you.



This is a NACARA Adjustment. Please follow
your regulations, specifically 245.13 (1),
(page 10 of the attachment)
which automatically terminated the
proceedings upon approval of NACARA
I-485 adjustment. *Roger P.*

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#: 29333043

On 06/23/2008, you were interviewed by USCIS officer EX 032

You passed the tests of English and U.S. history and government.

You passed the tests of U.S. history and government and the English language requirement was waived.

USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.

You will be given another opportunity to be tested on your ability to _____ speak/ _____ read/ _____ write English.

You will be given another opportunity to be tested on your knowledge of U.S. history and government.

Please follow the instructions on Form N-14.

USCIS will send you a written decision about your application.

You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) Congratulations! Your application has been recommended for approval. At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) A decision cannot yet be made about your application.

It is very important that you:

Notify USCIS if you change your address.

Come to any scheduled interview.

Submit all requested documents.

Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.

Go to any Oath Ceremony that you are scheduled to attend.

Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied; or before the U.S. district court if USCIS has not made a determination on your application within 120 days of the date of your examination.

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#: 70 692736

On 05/19/2008, you were interviewed by USCIS officer EX 032

You passed the tests of English and U.S. history and government.

You passed the tests of U.S. history and government and the English language requirement was waived.

USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.

You will be given another opportunity to be tested on your ability to _____ speak/ _____ read/ _____ write English.

You will be given another opportunity to be tested on your knowledge of U.S. history and government.

Please follow the instructions on Form N-14.

USCIS will send you a written decision about your application.

You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) _____ Congratulations! Your application has been recommended for approval. At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) _____ A decision cannot yet be made about your application.

It is very important that you:

Notify USCIS if you change your address.

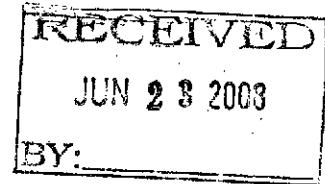
Come to any scheduled interview.

Submit all requested documents.

Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.

Go to any Oath Ceremony that you are scheduled to attend.

Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.



NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied; or before the U.S. district court if USCIS has not made a determination on your application within 120 days of the date of your examination.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

KLEIN ESQ., BART
605 FIRST AVENUE, SUITE 500
SEATTLE, WA 98104

IN THE MATTER OF
SETHI, DILPREET S.

FILE A-70-692-736

DATE: Jun 16, 2008

— UNABLE TO FORWARD - NO ADDRESS PROVIDED

— ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO: BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
P.O. BOX 8530
FALLS CHURCH, VA 22041

— ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c) (3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c) (3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c) (6), 8 U.S.C. SECTION 1229a(c) (6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT

X OTHER: See order

Stu
COURT CLERK
IMMIGRATION COURT

FF

CC: ROBERT F. PECK, ICE ASST. CHIEF COUNSEL
1000 2ND AVENUE, SUITE 2900
SEATTLE, WA, 981041088

Exhibit F page 2 of 7

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WASHINGTON

In the Matter of:

Dilpreet Sethi

Date

June 16, 2008

File Number

A 70 692 736

Respondent

IN REMOVAL PROCEEDINGS

Judge Kenneth Josephson

CHARGE: Inadmissible

APPLICATION: Termination

ON BEHALF OF RESPONDENT
Bart Klein, Esq.

ON BEHALF OF DHS

ORDER OF THE IMMIGRATION JUDGE

Given the lack of any opposition to the May 22 request to re-calendar and terminate without prejudice such is granted.

Kenneth Josephson
Kenneth Josephson
Immigration Judge

Exhibit F page 3 of 7

JUDGE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Seattle WA

In the Matter of:) File Nos. A70 692 736

TO: Immigration Court
and TO: ICE/DHS Chief Counsel (Robert Peck, TA)

MOTIONS

Come now the Respondent, Mr. Dipreet Sethi, and hereby moves the Court to recalender the proceedings to allow termination of the proceedings.

BASIS FOR MOTION

On September 29, 1999, this Court (Judge Ho) administratively closed the proceedings herein. Index page 5. The proceedings were closed to allow USINS to continue reviewing respondents' deceased father's possible revocation of the grant of asylum. Index page 5. The underlying charge against Mr. Sethi was that at the time of entry, he did not have valid documents, Section 237(a)(1)(A) with

**RESPONDENT'S MOTION TO TERMINATE
Dilpreet Singh SETHI - File No. A70 692 736**

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Seattle, WA 98104
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212(a)(7) (i)(I) , though admitted as a derivative asylee. NTA Index page 6-7.

We respectfully submit that the Court should terminate the proceedings. On July 30, 2004, subsequent to the administrative closure, Mr. Sethi adjusted his status to that of a lawful permanent resident of the United States based upon his marriage with his U.S. Citizen wife (LPR Card Index page 8), and the agency was aware that he had previously been placed in removal (deportation) proceedings and that those proceedings had been administratively closed. Then, Mr. Sethi later filed a timely Form N-400 Application for Naturalization with USCIS in Seattle, Washington.

On May 19, 2008, the USCIS Seattle Field Office determined that it could not process the N-400 Application for Naturalization although the deportation/removal proceedings had been administratively closed. Index pages 9-10. The USCIS has requested that Mr. Sethi move to have the deportation/removal proceedings recalendared in order to allow him to have the proceedings formally terminated, at which time the USCIS has indicated that it will review again the matter of his Form N-400 Application for Naturalization, either upon a RFE or Motion to Reopen or upon filing a new application.

As stated above, the Respondent disclosed, and the Service knew, that the

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Respondent had previously been in removal (deportation) proceedings and that those proceedings had been administratively closed, but proceeded to grant him LPR status.

Counsel respectfully requests that in the interests of judicial and agency economy, that the Court terminate the removal (deportation) proceedings at this time so that Mr. Sethi can proceed to have the USCIS consider his qualifications for naturalization.

The #A file is in Seattle CIS. The applicant is an LPR in the last stages of Naturalization, and he is still married to the USC with two USC children. Index pages 11-17. USCIS Officer Le Tran interviewed applicant is satisfied that he qualifies for the 3 year Section 319 naturalization benefit but for this jurisdiction question.

CONCLUSION

For the foregoing reasons, the Respondent respectfully requests the Court terminate the removal (deportation) proceedings in this matter.

Dated this 5th day of May, 2008.

Respectfully submitted,



BART KLEIN
Attorney for Respondent

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1. Administrative closure of case.....	5
2. October 9, 1998 NTA.....	6
3. LPR card.....	7-8
4. Decision on N-400 Application for Naturalization dated 5/19/2008, Seattle, WA/interview notice.....	9-10
3. Copies of USC wife naturalization certificate and birth certificates of USC children and LPR card of Respondent.....	11-17.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Respondent's Renewed Motion to Terminate Proceedings, this 14 day of May 2008, by personal service to:

USDHS/ICE Office of the Counsel
#2900, 1000 2nd Ave,
Seattle, WA 98104



Law Offices of Bart Klein

RESPONDENT'S MOTION TO TERMINATE
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